

**UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE NINTH CIRCUIT COURT OF APPEALS**

In re: LESLIE KLEIN,
Debtor

KENNETH KLEIN, SHOSHANA SHIFRA KLEIN,
Appellants,

v.

BRADLEY D. SHARP, CHAPTER 11 TRUSTEE,
Appellee.

ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
HON. NEIL W. BASON, BANKRUPTCY JUDGE PRESIDING
Bankruptcy Case No. 2:23-bk-10990-NB
Adv. Case No. 2:23-ap-01167-NB

**MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS'
OPENING BRIEF; DECLARTION OF SIMON ARON**

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SHOSHANA SHIFRA KLEIN

COMES NOW Appellants Kenneth Klein and Shoshana Shifra Klein (collectively the “**Appellants**”) and submit their request for an extension of time to file their Opening Brief in this appeal, as set forth in the attached Declaration of Simon Aron.

DATED: March 25, 2025

WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP

By: /s/ Simon Aron
SIMON ARON
Attorneys for Appellants, KENNETH KLEIN
and SHOSHANA SHIFRA KLEIN

DECLARATION OF SIMON ARON

I, Simon Aron, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am Of Counsel at Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, attorneys of record for Appellants Kenneth and Shoshana Klein. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. This appeal was commenced by the filing of a Notice of Appeal on February 18, 2025 (Adversary Docket No. (“**A.P. No.**”) 119 from the Order Granting Motion for Summary Judgment on All Claims for Relief Against Defendants Kenneth Klein and Shoshana Klein [A.P. No. 112] and the Order Denying Cross-Motion For Summary Judgment on All Claims for Relief by Defendants Kenneth Klein and Shoshana Klein [A.P. No 113] (collectively the “**Orders**”).

3. On February 18, 2025, the Clerk of the Bankruptcy Appellate Panel for the Ninth Circuit (the “**BAP**”) filed an Opening Letter and Briefing Order setting April 4, 2025 as the last date for Appellants to file their opening brief.

4. On February 28, 2025, Appellants filed Appellant’s Designation Of Record On Appeal And Statement Of Issues Re: Notice Of Appeal Of Order Granting Motion For Summary Judgment On All Claims For Relief And Of Order Denying Cross-Motion For Summary Judgment On All Claims For Relief By Defendants Kenneth Klein And Shoshana Klein (A.P. No. 124).

5. On March 10, 2025, Appellants filed Appellant’s Amended Designation Of Record On Appeal And Statement Of Issues Re: Notice Of Appeal Of Order Granting Motion For Summary Judgment On All Claims For Relief And Of Order Denying Cross-Motion For Summary Judgment On All Claims For

Relief By Defendants Kenneth Klein And Shoshana Klein (A.P. No. 124).

6. On March 2025, Appellee Bradley Sharp, as Chapter 11 Trustee for the estate of Leslie Klein (“**Appellee**”) filed Appellee’s Supplemental Designation of Record of Additional Items to be Included in Record Re: Notice of Appeal. A.P. No. 128.

7. Pursuant to Federal Rules of Appellate Procedure 26(b), Rule 8018(a)-1(a) of the Rules of the United States Bankruptcy Appellate Panel of the Ninth Circuit and for good cause, Appellants seek an extension of time to file the Opening Brief in this appeal for forty-five (45) days or to May 19, 2025.

8. Counsel for Appellant has exercised diligence in the prosecution of this appeal and will continue to do so in the preparation and submission of Appellants’ Opening Brief.

9. The Orders appealed from would result in the loss of the Appellants’ home, in which they have lived with their family since 2007. Recently, the parties have engaged in settlement discussions and progress has been made towards a voluntary resolution of the appeal. In the interim, the parties have informally agreed to stay enforcement with Appellants reserving their right to seek a stay pending appeal. In the event the parties cannot reach a settlement and the Appellee seeks to enforce the Orders, Appellants will seek a stay pending appeal pursuant to Rules 7062 and 8007(a) of the Federal Rules of Bankruptcy Procedure.

10. The record in this appeal is voluminous and the transcript of the proceedings is over 135 pages. Counsel estimates that it will take another two-three weeks or more to prepare Appellants Opening Brief.

11. Counsel for Appellants is also engaged in several other pending cases both inside and outside of California that require his active participation in order meet deadlines in those cases during time between March 24 and May 19. Among these are:

a. *In re: Macadamia Beauty, LLC* – USBC Eastern District of Texas, Case No. 24-41929; Motion to Convert/Plan Confirmation and related hearings set for March 25, 2025 with anticipated plan deadline of May 9, 2025 and discovery and additional hearings anticipated before that date.

b. *In re: MOM CA Investco LLC, et. al.* – USBC Delaware, Case No. 25-10321 (BLS); Emergency Motion Debtor-in-Possession Financing set for March 24, 2025; Continued First Day Motions for Use of Cash Collateral and Related hearings set for March 31, 2025; Motion for Appointment of Chapter 11 Trustee and related matters set for April 14, 2025.

c. *JFP-AG San Ramon, LLC et. al. v. RM 15 Safe Corp., et al.*, – Superior Court for Contra Costa County; Case No. MSC21-21391; Trial Setting Conference March 24, 2025; Depositions of Parties set for April 10-11 and 15-16.

d. *Lone Oak Fund, LLC v. 360 Fifth Street, LLC* – Superior Court For County of San Francisco; Case No. CGC-24-618293; Combined foreclosure sale is set for April 17, 2025 with related hearings anticipated before or after that date.

12. Counsel for Appellant also has an orthopedic medical procedures previously scheduled for April 1, 2025 and May 6, 2025, which will require a minimum of 48 to 72 hours of recuperation time afterwards.

13. Counsel for Appellant also has a pre-planned, paid vacation starting April 16 through April 26, 2025.

14. Under these circumstances, I contacted counsel to the Appellee and inquired whether they had any objection to an extension of the briefing deadline to May 19, 2025. Counsel for Appellee indicated they would agree to a thirty (30) day extension only.

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I declare under penalty of perjury under the laws of the United States of America that that the foregoing is true and correct to the best of my knowledge.

Executed March 25, 2025, at Los Angeles, California.

/s/ Simon Aron

Simon Aron

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' OPENING BRIEF; DECLARATION OF SIMON ARON** with the Clerk of the Court for the Bankruptcy Appellate Panel for the Ninth Circuit by using the bankruptcy appellate CM/ECF system on March 25, 2025.

Participants in the case who are registered CM/ECF users will be served by the bankruptcy appellate CM/ECF system. See attached Service List.

I further certify that all parties of record to this bankruptcy appeal either are registered CM/ECF users, or have registered for electronic notice, or have consented in writing to electronic service, and that service will be accomplished through the bankruptcy appellate CM/ECF system.



John Narcise

SERVICE LIST

Kenneth Klein, Shoshana Shifra Klein v. Bradley D. Sharp, Ch. 11 Trustee
United States Bankruptcy Appellate Panel for the
Ninth Circuit Court of Appeals
BAP No. CC-25-1027

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